

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM H. SCHWARZ FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM AN UN-)
NAMED STREAM)

O R D E R

APPROVING APPLICATION

On August 15, 1961, William H. Schwarz of Silverton, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed stream, tributary of Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William H. Schwarz and recorded at page 22532, Volume 16, State Record of Water Right Certificates, confirms a right under Permit No. 21571 for the use of 0.26 cubic foot per second of the waters of the waters of an unnamed stream, tributary of Pudding River, for the irrigation of 24.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 0.8 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 6 South, Range 1 West, W. M., all projected within S. Tucker D. L. C. No. 52, with a date of priority of June 29, 1950. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant is located 270 feet South and 1360 feet West from the E $\frac{1}{4}$ corner of Section 16, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Samuel Tucker D. L. C. No. 52, in Section 16, Township 6 South, Range 1 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for the irrigation of these lands to a point located 380 feet South and 1020 feet West from the E $\frac{1}{4}$ corner of Section 16, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 16, Township 6 South, Range 1 West, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from an unnamed stream, tributary of Pudding River, to-wit:

From a point located 270 feet South and 1360 feet West from the E $\frac{1}{2}$ corner of Section 16, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Samuel Tucker D. L. C. No. 52, in Section 16, Township 6 South, Range 1 West, W.M.

To a point located 380 feet South and 1020 feet West from the E $\frac{1}{2}$ corner of Section 16, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 16, Township 6 South, Range 1 West, W. M.,

for the irrigation of 24.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 0.8 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 4.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 6 South, Range 1 West, W. M., all projected within S. Tucker D. L. C. No. 52, with a date of priority of June 29, 1950, be and the same is hereby approved.

It is FURTHER ORDERED that no time need be fixed for completion of construction as the pumping plant is installed and in operation at the new point of diversion.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Marion County before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 18th day of August, 1961.

Notation made on Records

*App. # 24942
Cert # 22532*

Trsf. "S-140"

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

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